

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEREK KHANNA, individually and
derivatively on behalf of Shimbly Corporation,

Plaintiff,

V.

Case No. 21-cv-5752

KATELYNN BANKS, ISELLMLS.COM, INC.
d/b/a CINDY BANKS TEAM, CINDY BANKS,
TONY BANKS, PAMELA CARY,
RICHARD CARY, EIRIK SOMERVILLE,
MARYAM HUSSEIN,

Hon. Judge Virginia M. Kendall

Magistrate Judge Keri Holleb-Hotaling

Defendants, and

SHIMBLY CORPORATION, a Delaware Corporation,

Nominal Defendant.

DEFENDANTS' MOTION FOR LEAVE TO EXCEED PAGE LIMITS

Defendants, ISellMLS.com, Inc., Cindy Banks, Tony Banks (collectively, the “Banks Defendants”), and Eirik Somerville (“Somerville”), by their undersigned counsel, respectfully requests leave to file a 19-page Memorandum in Support of Defendants’ Motion to Dismiss Plaintiff’s Second Amended Complaint, and in support thereof, the Banks Defendants and Somerville state as follows:

1. Plaintiff filed his Second Amended Complaint, asserting 18 claims against Defendants, 7 of which are asserted against the Banks Defendants and Somerville. (Dkt. No. 292).¹

¹ On May 1, 2025, Defendant Katy Banks filed a motion to substitute counsel, and therefore this motion is brought only on behalf of the Banks Defendants and Somerville.

2. The Banks Defendants and Somerville seek to dismiss the claims asserted against them in the Second Amended Complaint. While some claims against the Banks Defendants and Somerville overlap (*i.e.*, the aiding and abetting claims), the defamation and false lights claims are asserted against Somerville only.

3. However, rather than filing a separate motion to dismiss the claims against Somerville, the Banks Defendants and Somerville wish to file an omnibus motion to dismiss addressing all claims asserted against them.

4. In order address all the claims and the separate factual allegations asserted against each of the Banks Defendants and Somerville, and for the convenience of the Court, an additional 4 pages beyond the 15-page limit are needed.

5. A copy of the Banks Defendants' and Somerville's proposed 19-page Memorandum of Law is attached as Exhibit A.

WHEREFORE, Defendants, ISellMLS.com, Inc., Cindy Banks, Tony Banks, and Eirik Somerville, respectfully requests leave to file, *instantly*, their 19-page Memorandum in Support of Defendants' Motion to Dismiss Plaintiff's Second Amended, attached as Exhibit A.

Dated: May 2, 2025

**ISellMLS.com, Inc., Cindy Banks, Tony Banks,
and Eirik Somerville**

By: /s/ Mitchell J. Edlund
One of their attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2025, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record via the Court's CM/ECF automated filing system.

/s/ Mitchell J. Edlund

Mitchell J. Edlund

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